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BEFORE THE ARIZONA MEDICAL BOARD

AZ MEDICAL BOARD

In the Matter of

Case No. MD-11-0865A

SUSAN D. LAMAN, M.D.

**ORDER FOR LICENSE
REACTIVATION, PROBATION, AND
CONSENT TO THE SAME**

Holder of License No. 31195
For the Practice of Allopathic Medicine
In the State of Arizona.

Susan D. Laman M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 31195 for the practice of allopathic medicine in the State of Arizona.

3. From September 2003 through September 2008, Respondent participated in the Board's PHP program.

4. On April 6, 2011, Respondent self-reported that she had relapsed, and on April 7, 2011, she entered into a Request for License Inactivation With Cause.

5. Respondent entered into a treatment facility and was successfully discharged on July 11, 2011.

6. On July 25, 2011, the Board received a report from the PHP Contractor stating that Respondent successfully completed treatment. The PHP Contractor recommended that Respondent enroll in the PHP Program for 5 years under the standard requirements and stated that Respondent would be safe to practice, provided she participated in PHP.

7. On July 29, 2011, Respondent entered into an Interim Order to Participate in PHP and is in compliance with that Order. Board staff recommends that Respondent's license be reactivated and he be placed in PHP under a final Board Order.

CONCLUSIONS OF LAW

1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings require the Board to either refer the matter for formal hearing to revoke Respondent's license or reactive Respondent's license and place Respondent on probation for five years with restrictions necessary to assure public safety. A.R.S. § 32-1452(F).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(f) (“[h]abitual intermpérance in the use of alcohol or habitual substance abuse.”).

ORDER

IT IS HEREBY ORDERED that:

1. Respondent's license is reactivated upon payment of the renewal fee.

2. Respondent is placed on Probation for **five years** with the following terms and conditions:

(a) 1. **Participation**¹. Respondent shall promptly enroll in and participate in the Board's Physician Health Program (PHP) monitoring service which is administered by a private contractor. ("Monitor").

2. **Relapse Prevention Group.** Respondent shall attend the Monitor's relapse

¹ Respondent's PHP participation is retroactive to July 14, 2011.

1 2. **Relapse Prevention Group.** Respondent shall attend the Monitor's relapse
2 prevention group therapy sessions one time per week for the duration of this Order, unless
3 excused by the relapse prevention group facilitator for good cause. Individual relapse
4 therapy may be substituted for one or more of the group therapy sessions, if Monitor pre-
5 approves substitution. The relapse prevention group facilitators or individual relapse
6 prevention therapist shall submit monthly reports to the Monitor regarding attendance and
7 progress.

8 3. **12 Step or Self-Help Group Meetings.** If applicable, Respondent shall
9 attend ninety 12-step meetings or other self-help group meetings appropriate for
10 substance abuse and approved by the Monitor, for a period of ninety days. Upon
11 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step
12 recovery program or other self-help program appropriate for substance abuse as
13 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
14 other self-help program meetings per week. Two meetings per month must be Caduceus
15 meetings. Respondent must maintain a log of all self-help meetings.

16 4. **Approved Primary Care Physician.** Respondent shall promptly obtain a
17 primary care physician and shall submit the name of the physician to the Monitor in writing
18 for approval. The approved primary care physician ("PCP") shall be in charge of providing
19 and coordinating Respondent's medical care and treatment. Except in an *Emergency*,
20 Respondent shall obtain medical care and treatment only from the PCP and from health
21 care providers to whom the PCP refers Respondent. Respondent shall promptly provide
22 a copy of this Order to the PCP. Respondent shall also inform all other health care
23 providers who provide medical care or treatment that Respondent is participating in PHP.
24 "*Emergency*" means a serious accident or sudden illness that, if not treated immediately,
25 may result in a long-term medical problem or loss of life.

1 5. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
2 unless the PCP or other health care provider to whom the PCP refers Respondent
3 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.
4 "*Medication*" means a prescription-only drug, controlled substance, and over-the counter
5 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
6 controlled substance is prescribed, dispensed, or administered to Respondent by any
7 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
8 notify the Monitor immediately.

9 6. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any
10 food, or other substance containing poppy seeds or alcohol.

11 7. **Biological Fluid Collection.** Respondent shall provide the Monitor in
12 writing with one telephone number that shall be used to contact Respondent on a 24 hour
13 per day/seven day per week basis to submit to biological fluid collection. For the purposes
14 of this section, telephonic notice shall be deemed given at the time a message to appear is
15 left at the contact telephone number provided by Respondent. Respondent authorizes any
16 person or organization conducting tests on the collected samples to provide testing results
17 to the Monitor. Respondent shall comply with all requirements for biological fluid
18 collection.

19 8. **Out of State Travel and/or Unavailability at Home/Office Telephone**
20 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel
21 out of state.

22 9. **Payment for Services.** Respondent shall pay for all costs, including Monitor
23 costs associated with participating in PHP at the time service is rendered, or within 30
24 days of each invoice sent to the Respondent. An initial deposit of two months monitoring
25 fees is due upon entering the program. Failure to pay either the initial monitoring deposit

or monthly fees 60 days after invoicing will be reported to the Board by the contractor and may result in disciplinary action up to and including revocation.

10. **Interviews.** Respondent shall appear in person before the Monitor for interviews upon request, upon reasonable notice.

11. **Address and Phone Changes, Notice.** Respondent shall immediately notify the Monitor in writing of any change in office or home addresses and telephone numbers.

12. **Relapse, Violation** In the event of chemical dependency relapse by Respondent or Respondent's use of drugs or alcohol in violation of the Order, Respondent's license shall be **summarily suspended pending a hearing for revocation**. In the alternative, Respondent may **SURRENDER HER LICENSE** if she agrees in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

13. **Notice Requirements.** Respondent shall immediately provide a copy of this Order to all current and future employers and all hospitals and free standing surgery centers where Respondent has privileges. Within 30 days of the date of this Order, Respondent shall provide the Monitor with a signed statement of compliance with this notification requirement. Respondent is further required to notify, in writing, all employers, hospitals and free standing surgery centers where Respondent currently has or in the future gains employment or privileges, of a chemical dependency relapse.,

14. **Out-of-State.** In the event Respondent resides or practices as a physician in a state other than Arizona, Respondent shall participate in the rehabilitation program sponsored by that state's medical licensing authority or medical society. Respondent shall cause the monitoring state's program to provide written quarterly reports to the Monitor regarding Respondent's attendance, participation, and monitoring. The monitoring state's program and Respondent shall immediately notify the Monitor if Respondent: a) is non-compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for

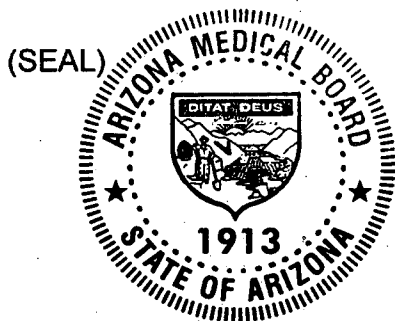
1 controlled substances; d) has low specific gravity urine drug test(s), missed and/or late
2 urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any
3 additional treatment.

4 16. This Order supersedes all previous consent agreements and stipulations
5 between the Board and/or the Executive Director and Respondent.

6 17. The Board retains jurisdiction and may initiate new action based upon any
7 violation of this Order.

8 DATED AND EFFECTIVE this 17th day of Oct., 2011.

9 ARIZONA MEDICAL BOARD



11 By [Signature]
12 Lisa S. Wynn
13 Executive Director

14 **CONSENT TO ENTRY OF ORDER**

15 1. Respondent has read and understands this Consent Agreement and the
16 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
17 acknowledges she has the right to consult with legal counsel regarding this matter.

18 2. Respondent acknowledges and agrees that this Order is entered into freely
19 and voluntarily and that no promise was made or coercion used to induce such entry.

20 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
21 to a hearing or judicial review in state or federal court on the matters alleged, or to
22 challenge this Order in its entirety as issued by the Board, and waives any other cause of
23 action related thereto or arising from said Order.

24 4. The Order is not effective until approved by the Board and signed by its
25 Executive Director.

1 5. All admissions made by Respondent are solely for final disposition of this
2 matter and any subsequent related administrative proceedings or civil litigation involving
3 the Board and Respondent. Therefore, said admissions by Respondent are not intended
4 or made for any other use, such as in the context of another state or federal government
5 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
6 any other state or federal court.

7 6. Upon signing this agreement, and returning this document (or a copy
8 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
9 entry of the Order. Respondent may not make any modifications to the document. Any
10 modifications to this original document are ineffective and void unless mutually approved
11 by the parties.

12 7. This Order is a public record that will be publicly disseminated as a formal
13 disciplinary action of the Board and will be reported to the National Practitioner's Data
14 Bank and on the Board's web site as a disciplinary action.

15 8. If any part of the Order is later declared void or otherwise unenforceable, the
16 remainder of the Order in its entirety shall remain in force and effect.

17 9. If the Board does not adopt this Order, Respondent will not assert as a
18 defense that the Board's consideration of the Order constitutes bias, prejudice,
19 prejudgment or other similar defense.

20 10. Any violation of this Order constitutes unprofessional conduct and may result
21 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
22 consent agreement or stipulation issued or entered into by the board or its executive
23 director under this chapter") and 32-1451.

24 **11. Respondent has read and understands the conditions of probation.**
25

1 Diana L. Laman MD

2 Susan D. Laman, M.D.

DATED: 9/6/11

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4 EXECUTED COPY of the foregoing mailed
this 7th day of October, 2011 to:

5 Mr. Cal Raup
6 Raup & Hergenroether PLLC
7 One Renaissance Square
8 Two N. Central Ave., Suite 1100
9 Phoenix, AZ 85004

10 ORIGINAL of the foregoing filed
11 this 7th day of October, 2011 with:

12
13 Arizona Medical Board
14 9545 E. Doubletree Ranch Road
15 Scottsdale, AZ 85258

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17 Chris Bangs
18 Arizona Medical Board Staff
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